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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

NEFTALY ALEJANDRO  
LOPEZ-CASTILLO,

Defendant and Appellant.

B290764

Los Angeles County  
Super. Ct. No. SA092641

APPEAL from a judgment of the Superior Court of Los Angeles County, Eleanor J. Hunter, Judge. Affirmed.

Carlos Ramirez, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

## INTRODUCTION

In this *Wende*<sup>1</sup> appeal, we affirm the judgment revoking probation and imposing sentence on defendant Neftaly Alejandro Lopez-Castillo (Castillo).

## PROCEDURAL BACKGROUND

An information charged Castillo with one count of second-degree burglary (Pen. Code, § 459).<sup>2</sup> The information further alleged he sustained two prior strikes (§§ 667, subd. (d), 1170.12, subd. (b)) and two prior prison term enhancements (§ 667.5, subd. (b)). Castillo pled no contest to second degree burglary. On April 20, 2016, the court suspended imposition of sentence and placed him on three years formal probation without supervision. The court imposed several probation conditions, including that he obey all laws.

In the ensuing months, Castillo committed several misdemeanor offenses, and on November 9, 2016, the case was called for a probation violation hearing. Castillo waived his right to a formal hearing and admitted he violated probation by failing to obey all laws. The court found him in violation of probation, revoked probation, imposed an upper term of three years for the burglary, suspended execution of sentence, and placed him on supervised formal probation.

On March 2, 2018, Castillo was arrested for lewd conduct and ultimately found to be in possession of methamphetamine. On May 18, 2018, the court held a probation violation hearing,

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<sup>1</sup> *People v. Wende* (1979) 25 Cal.3d 436.

<sup>2</sup> All undesignated statutory references are to the Penal Code.

found him in violation of probation, and executed the previously suspended three-year sentence.

Castillo filed a timely notice of appeal, and we appointed counsel to represent him. On January 15, 2019, appellate counsel filed a brief raising no issues and asking us to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436.) Castillo did not respond to our letter advising him of his right to file supplemental briefing.

### **FACTUAL BACKGROUND**

On March 2, 2018, at approximately 7:20 p.m., Castillo went into the Blo Blow Dry Bar hair salon in Hollywood holding a small canister. He told an employee, Leann Eyerly, that he wanted her to help him roll his joints. Castillo refused Eyerly's request to leave, and Eyerly called security. Castillo left the canister inside, exited the salon, and stood on the sidewalk outside the salon entrance. A security guard arrived and persuaded Castillo to move across the street.

After the security guard left, Castillo returned to the front of the salon, pulled his penis out of his pants, and started fondling himself. Police arrived soon after, arrested him, and obtained the canister from Eyerly. A forensic investigator for the Los Angeles Police Department analyzed the contents of the container and determined it contained 7.54 grams of methamphetamine.

Castillo testified in his defense that he did not expose or fondle himself, and that his canister contained marijuana not methamphetamine.

## **DISCUSSION**

We have examined the entire record, and are satisfied no arguable issues exist in the appeal before us. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Wende, supra*, 25 Cal.3d at p. 443.)

## **DISPOSITION**

The judgment is affirmed.

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CURREY, J.

WE CONCUR:

MANELLA, P. J.

COLLINS, J.